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May 1, 2024


**VIA ECF**

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, New York 10007

Defendant's motion to dismiss is denied without prejudice to renew, pending the decision on Plaintiff's motion to amend the complaint. The Clerk of Court is respectfully directed to close the motions pending at ECF Nos. 65, 71, and 72.

Dated: May 2, 2024  
New York, New York

**SO ORDERED.**

  
**JENNIFER L. ROCHON**  
United States District Judge

Re: *400 East 62nd Properties, LLC v. Grupo Cinemex, S.A. de C.V.*  
Case No. 1:20-cv-04917-JLR

Dear Judge Rochon:

We represent Defendant Grupo Cinemex, S.A. de C.V. ("Grupo Cinemex") in the above-captioned litigation. We write with respect to Grupo Cinemex's Motion to Dismiss the Amended Complaint (ECF Nos. 65-67) and Plaintiff's Notice of Cross Motion Seeking Leave to File Second Amended Complaint (the "Cross Motion") (ECF No. 70).

To foster judicial efficiency, the parties jointly request that the Court stay Grupo Cinemex's Motion to Dismiss (including Grupo Cinemex's reply, which is due on May 10) until the Cross-Motion has been briefed and adjudicated. Should the Court grant the Cross Motion, Grupo Cinemex will have to file a new motion to dismiss addressing the proposed Second Amended Complaint, rendering the current motion and Grupo Cinemex's upcoming reply moot. If the Court denies the Cross-Motion, then briefing on the current Motion to Dismiss can proceed accordingly.

Accordingly, Grupo Cinemex requests that the Court stay the Motion to Dismiss pending adjudication of the Cross Motion. Plaintiff consents to this request. Grupo Cinemex's deadline for responding to the Cross Motion is May 10, 2024, and Grupo Cinemex plans to submit its opposition to the Cross Motion on or before that date.

We appreciate the Court's attention to this matter and we are available to answer any questions relating to this request.

Respectfully,

/s/ John C. Molluzzo Jr.

John C. Molluzzo Jr.

CC: All Counsel of Record (via ECF)